

1 JEFFREY M. SHOHET (Bar No. 067529)  
JULIE L. HUSSEY (Bar No. 237711)  
2 CARRIE S. DOLTON (Bar No. 234298)  
**DLA PIPER US LLP**  
3 401 B Street, Suite 1700  
San Diego, CA 92101-4297  
4 Tel: 619.699.2700  
Fax: 619.699.2701  
5

6 Attorneys for Defendant  
TIME WARNER ENTERTAINMENT-ADVANCE/  
7 NEWHOUSE PARTNERSHIP, A NEW YORK  
GENERAL PARTNERSHIP  
8

9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 LEON ALPERT, an individual, on behalf  
12 of himself, on behalf of all those similarly  
situated, and on behalf of the general  
13 public,

14 Plaintiffs,

15 v.

16 TIME WARNER CABLE, INC., a  
Delaware corporation, and DOES 1 to 100,

17 Defendants.  
18

CV No. 08CV582 W WMc

**DECLARATION OF SERVICE**

19 I am a resident of the State of California, over the age of eighteen years, and not a party to  
20 the within action. My business address is DLA Piper US LLP, 401 B Street, Suite 1700, San  
21 Diego, California 92101-4297. On April 15, 2008, I served the within document(s):  
22

23 **AMENDED NOTICE OF MOTION AND MOTION OF DEFENDANT TIME WARNER**  
**CABLE FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, PARTIAL**  
24 **SUMMARY JUDGMENT**

- 25 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set  
forth below on this date before 5:00 p.m.
- 26 ☐ by placing the document(s) listed above in a sealed envelope with postage thereon  
27 fully prepaid, in the United States mail at San Diego, California addressed as set  
forth below.

- 1 ☐ by placing the document(s) listed above in a sealed envelope with postage thereon  
 2 fully prepaid, and deposited with Federal Express or UPS Overnight at San Diego,  
 3 California addressed as set forth *and indicated* below.
- 4 ☒ by transmitting via e-filing the document(s) listed above to the Case Management/  
 5 Electronic Case Filing system *as indicated* below.
- 6 ☒ by transmitting the document(s) listed above via electronic mail, *by written*  
 7 *agreement of counsel, as indicated* below.

**Attorneys for Plaintiff Leon Alpert**

8 Barron E. Ramos, Esq.  
 9 132 N. El Camino Real, Ste. 303  
 Encinitas, CA 92024  
 T: (858) 349-6019  
 F: (760) 994-1354  
 bramos@hcseq.com  
 (Via E-Filing)

**Attorneys for Plaintiff Leon Alpert**

David R. Markham, Esq.  
 Clark & Markham  
 401 West A Street, Ste. 2200  
 San Diego, CA 92101  
 T: (619) 239-1321  
 F: (619) 239-5888  
 dmarkham@clarkmarkham.com and  
 jtreglio@clarkmarkham.com  
 (Via Electronic Mail)

13 I am readily familiar with the firm's practice of collection and processing correspondence  
 14 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same  
 15 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on  
 16 motion of the party served, service is presumed invalid if postal cancellation date or postage  
 meter date is more than one day after date of deposit for mailing in affidavit. I further declare  
 that I am familiar with the firm's practice for collection and processing of correspondence for  
 Federal Express and United Parcel Service, and that all correspondence will be deposited with  
 Federal Express or United Parcel Service the same day during the ordinary course of business.

17 I declare that I am employed in the office of a member of the Bar of or permitted to  
 18 practice before this Court at whose direction the service was made.

Executed on April 15, 2008, at San Diego, California.



Gini Wiese